

COMMENTS

Applicant appreciates the examiner's thorough examination and clear discussion, and the examiner's enlightening responses to previously made arguments. All of the claims of the application have now been amended and are believed to be allowable over the cited art in view of the following comments.

In this amendment, independent claims 1, 16, 26, and 32 (and thus all of their dependent claims) have been amended. Claims 11 and 27 were canceled by previous amendment. Thus, claims 1-10, 12-26, and 28-42 remain pending.

Applicant acknowledges the allowance of claims 10 and 12-15.

Claims 2-9 were objected to as being dependent upon a rejected base claim, with an indication that they would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Claim 1, from which these claims depend, has been amended and is now believed to be allowable. Accordingly, this objection is obviated and withdrawal is requested.

Claims 1, 16-19, 21-26 and 28-42 were rejected under 35 USC 103(a) as being unpatentable over *Smith* (US Patent No. 5,772,502) ("*Smith*") in view of *Zampini et al.* (US Patent No. 4,083,448) ("*Zampini*"). These claims have now been amended and are believed to be patentable over the suggested combination for at least the following reasons.

Smith discloses an adjustable ridge vent having accordion-shaped pleated end plugs for covering an opening at the peak of a roof. The ridge vent has a top panel having opposed lateral edges and having opposed ends, and has a flexible midsection parallel to the opposed lateral edges. A plurality of semicircular supports extending

downwardly from the underside of the top panel suspends the top panel above the roof. Lateral sidewall portions, which downwardly depend from the lateral edges of the vent, have louvered ventilation openings for allowing air to escape out of the opening at the roof's peak and pass from under the vent. Gutters with outwardly upturned lips and with drain openings are adjacent the ventilation openings. The end walls of the vent each have a flexible accordion-pleated mid-portion end plug formed therein, and the ratio of the total pleat length to the pleated mid-portion length is preferably about 1.5.

Zampini discloses a wall plate 10 mounted on a card package 12. The card is provided with an area 14 extending beyond the article 10 and this area may contain advertising or other informative printed matter. The wall plate 10 is made up of a beveled edge portion 18 and a decorative land area 20. The left half of the plate 10 is for covering a switch and has for this purpose two screw holes and a trigger opening 26. The screw holes are not evident as they are occupied by screws 28 and 30. The right half of the plate 10 is for covering a wall receptacle and is for this purpose provided with the receptacle openings 32 and 34 as well as with a screw hole therebetween occupied by screw 38. The threaded ends of the screws 28, 30, and 38 are protected by sheaths or nuts 44, 48, and 46 respectively. The nut is plastic or wax in composition and is formed directly about the threads 50 of screw 28. The plastic nut is internally threaded as it is formed directly about the threads of the screw 28 from a molten state. Also, the plastic nut is affixed to the back side of card package 12. The adherence of nut 46 to card 12 occurs along the interface 52 between the card and nut. This interface 52 may extend beyond the main body of nut 46 to include the flash 54 and 56 above and below nut 46 respectively. The flash is formed as excess molten wax is squeezed

out from nut 46 as the nut is formed from the molten state. Significantly, and as illustrated in Figs. 1, 3, 4 and 14 of *Zampini*, the screws 28 and 30 are in the same position relative to the wall plate when stored as they are when the plate is secured to an electrical junction box. Specifically, the heads of the screws are nested within the counter sunk portions of the screw holes in both the storage and the fastening positions of the screws.

In contrast to the teachings of *Smith* and *Zampini*, independent claims 1, 16, 26 and 32, as now amended, recite a ridge ventilation system comprising a ridge vent section (or plurality of ridge vent sections) each having ends and longitudinal edges and being configured to be arranged end-to-end covering an open ridge of a roof. Each ridge vent section has a laterally flexible central panel flanked by ventilation grids that extend along and inboard of the longitudinal edges of the ridge vent. A plurality of fasteners is located between the longitudinal edges of at least some of the ridge vent sections (rather than merely being removably secured there) and are removably secured to the ridge vent sections. The fasteners are positioned to be removed by an installer of the ridge ventilation system for use in fastening said ridge vent sections to a roof with the fasteners being in a storage position (or, a first position) prior to arrangement of the ridge vent sections on a roof and being in a fastening position different from the storage position when the ridge vent sections are fastened to the roof.

Neither *Smith* nor *Zampini*, either alone or in combination, teach such an arrangement. The screws of *Zampini* are stored in the same position prior to installation as they are after the switch plate is installed and *Smith* discloses a plurality of anchoring nails that are inserted by the roofer through a respective bore through a molded guide in

the traditional manner and then the anchoring nails are pounded into decking panels to secure each ridge vent to the roof. *Smith* does not disclose that the anchoring nails are in a storage position on the ridge vent sections prior to arrangement of the sections on a roof and then in a fastening position, which is different from the storage position when the ridge vent sections are fastened to the roof as claimed. The nails of *Smith* are simply inserted through nail bosses after arrangement of the ridge vent section on the roof.

Further, the proposed combination of *Smith* and *Zampini* does not establish a prima fascia case of obviousness with respect to amended claims 1, 16, 26 and 32 because, among other things, such a combination fails to include all of the elements recited in the claims. More specifically, combining *Smith* with *Zampini* would result in a ridge vent section with fasteners located at the same location relative to the ridge vent section both before and after arrangement on the roof. There is no suggestion in the proposed combination of two positions of the fasteners that are different. In fact, if the screws of *Zampini* were in a different storage position on the display card, they would not protrude through the card to be secured with wax nuts. Thus, modifying the proposed combination would destroy the key function of *Zampini* and thus cannot be said to be an obvious thing to do. Finally, *Zampini* teaches that disposition of screws 28, 30 and 38 within their respective screw holes is necessary to avoid the screws being lost in transit or while on display. *Zampini* thus teaches away from the claimed invention.

For at least the forgoing reasons, independent claims 1, 16, 26 and 32, and thus respective dependent claims 2-9, 17-25 and 41, 28-31 and 42, and 33-40 define over

the proposed combination of *Smith* and *Zampini* and are thus unobvious and allowable over such a combination.

Claim 20 was rejected under 35 USC 103(a) as being unpatentable over *Smith* (US Patent No. 5,772,502) ("*Smith*") in view of *Zampini et al.* (US Patent No. 4,083,448) ("*Zampini*") as applied to claim 17 and further in view of *Gates* (US Patent No. 5,149,301) ("*Gates*"). Claim 20 has been amended either directly or through amendments of its independent claims and is believed to be patentable over the suggested combination for at least the following reasons.

The teachings of *Smith* and *Zampini* are summarized above. *Gates* discloses a low profile, generally rectangular ventilator 10 of the type suitable for securing to a building roof having an open or apertured ridge 11. The ventilator 10 is located astraddle an aperture or opening 11 provided in roof decking 2 and between rafters 4 of the roof, through which the area beneath the rafters is ventilated. Inner ends of rafters abut against each other, while the decking, which is nailed to the upper surfaces of the rafters, stops short of the roof center to leave a space 11 between the upper edges of the decking.

The proposed combination of *Smith*, *Zampini* and *Gates*, cannot, in view of the arguments made above, establish a prima facie case of obviousness for at least the reason that the combination fails to include all of the elements of independent claim 16, from which claim 20 either directly or indirectly depends.

Accordingly, claim 20, as amended, is patentable over the suggested combination of *Smith*, *Zampini* and *Gates* and thus allowable.

CONCLUSION

In summary, claims 1, 16, 26 and 32 and their dependent claims have been amended. Pending claims 1-10, 12-26, and 28-42 recite a ridge ventilation system of unique structure and attributes not taught or fairly suggested by the art of record. Accordingly, these claims are believed to be in condition for allowance and an early notice to such effect is earnestly solicited.

The examiner is requested to contact the undersigned counsel if allowance of the claims can be facilitated by examiner's amendment, telephone interview, or otherwise.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Order Account No. 09-0528.

November 2, 2010
Date

Respectfully submitted,


Steven D. Kerr
Attorney for Applicants
Reg. No. 32,472

Customer No. 26158
Womble Carlyle Sandridge & Rice, PLLC
P.O. Box 7037
Atlanta, GA 30357-0037
(404) 962-7524 Phone
(404) 870-8174 Fax
steve.kerr@wcsr.com
H040 1100RE (55233.0009.3)